

Message From James Norman

To Me

Sent Date: 2/28/2023 03:55 PM

IN THE UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION UNITED STATES OF AMERICA,) Plaintiff,)) V.) CASE NO. 4:20CR-00418 JAR/NAB)
JAMES TIMOTHY NORMAN,)) Defendant.) MOTION TO SUPPRESS STATEMENTS COMES NOW, Defendant, James Timothy Norman, pro se, and moves this honorable Court for an order
suppressing statements of defendants Terica Ellis and Travell Hill. Fed Rule From.P.12(c). In support of Defendants Motion to Suppress, he alleges that statements made to government
by Ellis were result of coercion by an secret attorney acting under color of Government Authority and St.louis Metropolitan Detective David Rudolph.Statements made by Travell Hill were
a result of coercion Led by St.Louis Detective David Rudolph and AUSA Angie Danis while Defendant Hill was under the influence of narcotics. As outlined in the paragraphs below,
defendant's constitutional rights were violated. In support of this motion defendant states as follows: Facts 1. On or about August 20, 2020, an indictment was returned in the United
States District Court for the Eastern District of Missouri against the defendant James Norman. 2. On or about November 12,2020, a superseding indictment was returned charging the
defendant with Murder for Hire Conspiracy in violation of title 18, u.s.c. sec 1958, murder for hire in violation of title 18 u.s.c.sect 1958 & 2, and wire and mail fraud in violation of Title 18
u.s.c. 1349. 3. The indictment is based upon an investigation into the death of Andre Montgomery that occurred on March 14, 2016. 4. It is alleged in the indictment that James Norman
obtained a life insurance policy on Andre Montgomery in October 2014. 5. It is Alleged that Norman flew to St.Louis from Los Angeles and was in contact with Terica Ellis prior to and
leading up to March 14th,2016. 6. It is alleged that Ms.Ellis and Norman had communication s about the whereabouts of Andre Montgomery. 7. On March 14,2016, Andre Montgomery
was found dead shortly after meeting with Ms. Ellis. 8. On or between March 15 and March 17,2016 Ms. Ellis received a bank deposit in excess of 9000. 9. On August 17,2020 Terica Ellis
was taken into custody in Olive Branch ,Mississippi. 10. On August 18,2020 James Timothy Norman was taken into custody in Ridgeland Mississippi based on statements made by Terica
Ellis. 11. On October 6, 2020, a transcript of a detention hearing held in the United States District Court for the Western District of Tennessee (Memphis) wasd filed in this cause as
Doc.58-1 (it is of note that the hearing transcript references two dates of when the hearing occurred September 2nd or 23rd of 2020). 12. Detective Donald Thurmond with the St.Louis
Metropolitan Police Department testified that he and Detective David Rudolph of St.Louis Metropolitan Police Department conducted an interview of Terica Ellis (Doc.58-1) 13. Detective
Thurmond gave a summary version of events leading to the arrest of Ms.Ellis. 14. Detective Thurmond testified that Ms.Ellis had counsel shortly after her arrest,waived her rights per the
Miranda decision, and gave a videotaped interview to investigators. (Doc.58-1,p.14, lines 1-19) 15. Ms. Ellis told investigators that she met the victim while working as a stripper at the
Bottoms Up Club. She further elaborated upon the alleged involvement of Norman and that she was paid by him for assisting in locating the victim. 16. Prior to the interview of Ms.Ellis
,arrangements were made by the United States Attorney for the Eastern District of Missouri to obtain an attorney to travel to the Mempe area to represent Ms. Ellis. (Doc.58-1,p.22, lines 1-
24) 17. It was further explained by Detective Thurmond that After the arrest, but prior to his interview, the attorney obtained by the Government was allowed to speak with Ms.Ellis.
(Doc.58-1,p.22, lines 1-24) 18. Several times during the cross examination of Detective Thurmond by Tennessee defense attorney Scott Hall, Detective Thurmond was asked of the name
and origin of the Secret Attorney and he answered that he did not know the name of the attorney or how the attorney became involved in the case.(doc#58-1 pg.21 lines 7-25, pg 22 lines
1-25) 19. During cross examination of Detective Thurmond by attorney Scott Hall, Detective Thurmond testified that Ms. Ellis was led to believe her life was in danger ,or "life being at risk"
if she did not give information on defendant Norman. (Doc 58-1 pg.30 lines 1-6) 20. In or around November of 2020 Defendant Travell Hill was wanted for questioning based on
information given by Defendant Terica Ellis and further investigation surrounding his employment at Sweetie Pies Restaurant s in St. Louis Missouri. 21. In or Around November 2020
Travell Hill was apprehended at a grocery store with his 5yr old daughter and appon searching his vehicle a weapon and drugs were found. 22. During interrogation led by Detective David
Rudolph of St.Louis Metropolitan Police and AUSA Angie Dani's Defendant Hill was coerced into giving a false confession and information on defendant Norman using his daughter being
in custody as bait. 23. Being convicted of felonies several times Travell Hill was in danger of being charged as a prior and persistent or career criminal with the weapon and drugs found in
his possession at time of apprehension. 24.in exchange for letting his daughter go and him not being charged for the weapon and drugs in his possession Defendant Hill signed a false
confession and gave a videotaped interview repeating info he was told . 25.Defendant Hill was under the influence and led to believe by Government that a manslaughter charge with a
self defense narrative would be given in exchange for his cooperation. ARGUMENT Counsel obtained by the government became an agent of the government prior to the interview of Ms



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Similar to private citizens acting at the direction of the government in illegal searches, counsel here acted as an agent of the government to facilitate an interview of Ms.Ellis in violation of her Fifth Amendment rights and in violation of the defendant's right to Due Process under the sixth Amendment. The government's active role in obtaining counsel for Ms.Ellis essentially converted counsel into an agent or Pawn of the government. In challenges to the Fourth Amendment, this court has previously articulated that private citizens may become agents of the government. " The Fourth Amendment applies only to state action ,so it does not constrain private parties unless they act as agents or instruments of the government. United States v. Jacobsen, 466 U.S. 109, 113,104 S.Ct. 1652, 80 L.Ed.2d 85 (1984). When a statue or regulation compels a private party to conduct a search the private party acts as an agent of the government. Skinner v. Ry. Labor Executives' Ass'n, 489 U.S. 602, 614,109 S.Ct. 1402, 103 L.Ed.2d 639 (1989)." United States v. Stevenson, 727 F.3d 826,829 (8th Cir.2013) Here , counsel obtained by the government became an agent of the government to facilitate the interview of Ms. Ellis. United States v. Ringland, 966 F. 3d 731 (8th circuit 2020) Whether a private party should be deemed an agent or instrument of the government for Fourth Amendment purposes necessarily turns on the degree of the government's participation in the private party's activities, a question that can only be resolved in light of all the circumstances. " United States v. Wiest, 596 F.3d 906,910 (8th Cir. 2010) (qouting Skinner,489 U.S. at 614, 109 S.Ct. 1402). In this context. We have focused on three relevant factors: "[1] whether the government had knowledge of and acquiesced in the intrusive conduct; [2] whether the citizen intended to assist law enforcement or instead acted to further his own purposes; and [3] whether the citizen acted at the government's request. " id. " a Defendant bears the burden of proving by a preponderance of the evidence that a private party acted as a government agent ." United States v. Highbull, 894 F.3d 988, 992 (8th Cir. 2018). Counsel obtained by the government traveled to the Memphis area to speak with Ms.Ellis at the request of the government. Ellis had never previously met "appointed counsel ". On the date of the arrest of Ellis, " appointed counsel " was directed by agents of the government to speak with Ellis. Absent the involvement of the United States Attorney's Office, "appointed counsel" would have never been aware of Ms.Ellis or her arrest. Additionally,as Memphis is a moderate size metropolitan area, the United States District Court for the Western District of Tennessee could have easily appointed counsel or she could have obtained counsel of her choice. Instead of the interview of Ellis being the product of typical functioning of the criminal justice system, the United States Attorney's Office obtained counsel and unknowingly became a pawn of the government to Facilitate and interview. WHEREFORE for all the fore going reasons, the Defendant requests that the court enters an order suppressing the statements of Terica Ellis under the Fifth Amendment and the Defendant Norman's and Hill's right to due process under the Sixth Amendment .Under the " Fruit of the poisonous tree doctrine " (1948 Criminal Procedure) everything after Ms.Ellis's statements should be dropped and dismissed. Respectfully submitted this 28th day of February, 2023 James Timothy Norman Inmate number:74043 Ste.Genevieve County Detention Center 5 Basler Drive Ste.Genevieve, Missouri., 63670-1679

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